

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JONATHAN D. COOPER, State Bar No. 141461  
Deputy Attorney General  
4 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1404  
6 Facsimile: (415) 703-5480

7 Attorneys for Complainant

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **INGRID B. WALCH**  
13 1137 Farragut Drive  
Fremont, California 94539

14 Registered Nurse License Number 398265  
15 Public Health Nurse Certificate Number PHN  
52604

16 Respondent.

Case No. 2009-68

OAH No.

**A C C U S A T I O N**

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs.

23 2. On or about March 31, 1986, the Board of Registered Nursing issued  
24 Registered Nurse License Number 398265 to Ingrid B. Walch (Respondent). The Registered  
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on October 31, 2009, unless renewed.

27 3. On or about October 5, 1994, the Board of Registered Nursing issued  
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1 Public Health Certificate Number PHN52604 to Ingrid B. Walch (Respondent). The Public  
2 Health Certificate was in full force and effect at all times relevant to the charges brought herein  
3 and will expire on October 31, 2009, unless renewed.

#### 4 JURISDICTION

5 4. This Accusation is brought before the Board of Registered Nursing  
6 (Board), Department of Consumer Affairs, under the authority of the following laws. All section  
7 references are to the Business and Professions Code unless otherwise indicated.

8 5. Section **2750** of the Business and Professions Code (Code) provides, in  
9 pertinent part, that the Board may discipline any licensee, including a licensee holding a  
10 temporary or an inactive license, for any reason provided in Article 3 (commencing with section  
11 2750) of the Nursing Practice Act.

12 6. Section **2764** of the Code provides, in pertinent part, that the expiration of  
13 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
14 against the licensee or to render a decision imposing discipline on the license. Under section  
15 2811(b) of the Code, the Board may renew an expired license at any time within eight years after  
16 the expiration.

#### 17 STATUTORY PROVISIONS

18 7. Section **490** of the Code provides, in pertinent part, that the Board may  
19 suspend or revoke a license when it finds that the licensee has been convicted of a crime  
20 substantially related to the qualifications, functions or duties of a registered nurse.

21 8. Section **822** of the Code states:

22 If a licensing agency determines that its licentiate's ability to practice his or her  
23 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting  
24 competency, the licensing agency may take action by any one of the following methods:

25 (a) Revoking the licentiate's certificate or license.

26 (b) Suspending the licentiate's right to practice.

27 (c) Placing the licentiate on probation.

28 (d) Taking such other action in relation to the licentiate as the licensing agency in

its discretion deems proper.

The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated."

9. Section 2761 of the Code states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

• • •

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

10. Section 2762 of the Code states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

1 (c) Be convicted of a criminal offense involving the prescription, consumption, or  
2 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
3 or the possession of, or falsification of a record pertaining to, the substances described in  
4 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
5 thereof.

6 ...

### 7 **DANGEROUS DRUGS/CONTROLLED SUBSTANCES**

8 11. Section **4021** of the Code states:

9 "‘Controlled substance’ means any substance listed in Chapter 2 (commencing  
10 with Section 11053) of Division 10 of the Health and Safety Code."

11 12. Section **4022** of the Code states:

12 "Dangerous drug" or "dangerous device" means any drug or device unsafe for  
13 self-use, except veterinary drugs that are labeled as such, and includes the following:

14 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing  
15 without prescription," "Rx only," or words of similar import.

16 "(b) Any device that bears the statement: "Caution: federal law restricts this  
17 device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the  
18 blank to be filled in with the designation of the practitioner licensed to use or order use of the  
19 device.

20 "(c) Any other drug or device that by federal or state law can be lawfully  
21 dispensed only on prescription or furnished pursuant to Section 4006."

22 13. **Methamphetamine** is a Schedule II controlled substance as designated by  
23 Health and Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and  
24 Professions Code section 4022. It is a stimulant drug.

### 25 **COST RECOVERY**

26 N. Section 125.3 of the Code provides, in pertinent part, that the Board may  
27 request the administrative law judge to direct a licensee found to have committed a violation or  
28 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation

1 and enforcement of the case.

2 **FIRST CAUSE FOR DISCIPLINE**

3 (Criminal Convictions)

4 15. Respondent is subject to disciplinary action under sections 490, 2761(a)  
5 and 2761(f) of the Code in that she has been convicted of offenses substantially related to the  
6 qualifications, functions, and duties of a registered nurse, as follows:

7 a. On or about November 17, 1999, in Alameda Superior Court case number  
8 180322, Respondent was convicted of having violated California Health and Safety Code  
9 11377(a) (possession of methamphetamine), a misdemeanor.

10 b. On or about May 31, 2000, in Alameda Superior Court case number  
11 189089, Respondent was convicted of having violated California Health and Safety Code section  
12 11550 (use or under the influence of methamphetamine), a misdemeanor, and California Health  
13 and California Penal Code section 166(a)(4) (disobedience of restraining order), a misdemeanor.

14 c. On or about October 23, 2002, in Alameda Superior Court case number  
15 199579, Respondent was convicted of having violated California Penal Code section 166(a)(4)  
16 (disobedience of restraining order), a misdemeanor, and California Vehicle Code section 2800.1  
17 (evading a police officer), a misdemeanor.

18 d. On or about March 1, 2005, in Alameda Superior Court case number  
19 380539, Respondent was convicted of having violated California Vehicle Code section 23152(a)  
20 (driving under the influence of methamphetamine), a misdemeanor. On or about March 2, 2006,  
21 Respondent admitted that she had violated her grant of probation in case number 380539 in that,  
22 on or about November 17, 2005, she had been found to be under the influence of a controlled  
23 substance.

24 **SECOND CAUSE FOR DISCIPLINE**

25 (Drug Convictions)

26 16. Respondent is subject to disciplinary action under section 2762(c) of the  
27 Code in that she has been convicted of offenses involving the prescription, consumption,  
28 possession or self-administration of controlled substances and dangerous drugs, as set forth

1 above in paragraph 15.

2 **THIRD CAUSE FOR DISCIPLINE**

3 (Possession and Dangerous Use of Drugs)

4 17. Respondent is subject to disciplinary action under Code section 2762,  
5 subsections (a) and (b), in that she obtained and used, in violation of law, controlled substances  
6 and dangerous drugs, and used said drugs in a manner dangerous to herself and to the public and  
7 in a manner that impaired her ability to conduct with safety to the public the practice authorized  
8 by her license, as set forth above in paragraph 15.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 (Mental or Physical Illness Affecting Competency)

11 18. Respondent's license is subject to discipline under section 822 of the Code  
12 in that she is unable to practice her profession safely due to a mental or physical illness affecting  
13 her competency. The circumstances are as follows:

14 19. On or about October 8, 2004, when Respondent was arrested for driving  
15 under the influence of methamphetamine, Respondent informed the arresting officer that she  
16 suffers from schizophrenia.

17 20. On or about January 15, 2006, Respondent knocked on a neighbor's door  
18 and informed the neighbor that she feared for her life. Respondent appeared to the neighbor to be  
19 experiencing visual hallucinations.

20 21. On numerous occasions in 2006, an employee who worked at  
21 Respondent's apartment complex observed Respondent acting as if she was delusional and/or  
22 paranoid and acting as if she was under the influence of drugs. On one occasion, Respondent  
23 sought assistance from the employee because Respondent felt that she needed to be admitted into  
24 a psychiatric facility. Respondent informed the employee that the majority of her problems were  
25 caused by her drug usage.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


4 1. Revoking or suspending Registered Nurse License Number 398265, issued  
5 to Ingrid B. Walch;

6 2. Revoking or suspending Public Health Certificate Number PHN52604,  
7 issued to Ingrid B. Walch;

8 3. Ordering Respondent to pay the Board of Registered Nursing the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
10 Professions Code section 125.3;

11 4. Taking such other and further action as deemed necessary and proper.  
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13 DATED: 9/26/08  
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15   
16 RUTH ANN TERRY, M.P.H., R.N.  
17 Executive Officer  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant  
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